

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
DEBORAH C. HARTE on behalf of herself :
and all others similarly situated, :
:
Plaintiff, : Civil Action No. 2:13-cv-5410-MKB-RER
v. :
:
OCWEN FINANCIAL CORP. and OCWEN :
LOAN SERVICING, LLC, :
:
Defendants. :
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DECLARATION OF ROBERT I. HARWOOD IN OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT ON PLAINTIFF'S INDIVIDUAL CLAIMS

Pursuant to 28 U.S.C. § 1746, I, Robert I. Harwood, declare under penalty of perjury as follows:

1. I am a member of the law firm Harwood Feffer LLP, counsel for plaintiff Deborah Harte and the proposed Class in this action.
2. I submit this declaration in opposition to Defendants' Motion for Summary Judgment on Plaintiff's Individual Claims.
3. Attached as Exhibit 1 is a true and correct copy of the September 1, 2011 Agreement on Mortgage Servicing Practices between the New York Department of Financial Services ("NYDFS") and defendants Ocwen Financial Corp. and Ocwen Loan Servicing, LLC (together, "Ocwen").
4. Attached as Exhibit 2 is a true and correct copy of the December 5, 2012 Consent Order Under New York Banking Law § 44 between the NYDFS and Ocwen.
5. Attached as Exhibit 3 is a true and correct copy of the December 19, 2014 Consent Order Pursuant to New York Banking Law § 44 between the NYDFS and Ocwen.

6. Attached as Exhibit 4 is a true and correct copy of the complaint filed by the U.S. Consumer Financial Protection Bureau against Ocwen in the U.S. District Court for the Southern District of Florida on April 20, 2017.

7. Attached as Exhibit 5 is a true and correct excerpt of Ocwen's 2012 Form 10-K filed with the U.S. Securities and Exchange Commission on March 1, 2013.

8. Attached as Exhibit 6 is a true and correct copy of the October 21, 2011 letter from Ocwen to plaintiff soliciting her to apply for a loan modification, which was introduced and authenticated as Exhibit 31 during plaintiff's deposition. Exhibit 6 is being filed under seal pursuant to the Stipulated Protective Order Regarding Confidential Discovery Material entered by the Court on December 19, 2013 (the "Confidentiality Order").

9. Attached as Exhibit 7 is a true and correct excerpt from the transcript of the deposition of plaintiff Deborah Harte dated October 20, 2016.

10. Attached as Exhibit 8 is a true and correct copy of the January 2, 2012 letter from Ocwen to plaintiff asking her to provide copies of additional documents in support of her modification application, which was introduced and authenticated as Exhibit 36 during plaintiff's deposition. Exhibit 8 is being filed under seal pursuant to the Confidentiality Order.

11. Attached as Exhibit 9 is a true and correct copy of the January 5, 2012 fax from plaintiff to Ocwen providing documents requested on January 2, 2012, which was introduced and authenticated as Exhibit 38 during plaintiff's deposition. Exhibit 9 is being filed under seal pursuant to the Confidentiality Order.

12. Attached as Exhibit 10 is a true and correct copy of the January 6, 2012 fax from plaintiff to Ocwen providing documents requested on January 2, 2012, which was introduced and

authenticated as Exhibit 39 during plaintiff's deposition. Exhibit 10 is being filed under seal pursuant to the Confidentiality Order.

13. Attached as Exhibit 11 is a true and correct excerpt plaintiff's loan file produced by Ocwen. Exhibit 11 is being filed under seal pursuant to the Confidentiality Order.

14. Attached as Exhibit 12 is a true and correct copy of the May 21, 2012 fax from plaintiff to Ocwen providing additional documentation in support of her modification application as requested by an Ocwen representative on May 20, 2012. Exhibit 12 is being filed under seal pursuant to the Confidentiality Order.

15. Attached as Exhibit 13 is a true and correct copy of the May 24, 2012 letter from Ocwen to plaintiff requesting that she submit additional documents in support of her modification application. Exhibit 13 is being filed under seal pursuant to the Confidentiality Order.

16. Attached as Exhibit 14 is a true and correct copy of the June 1, 2012 letter from Ocwen to plaintiff providing answers to frequently asked questions about the loan modification process. Exhibit 14 is being filed under seal pursuant to the Confidentiality Order.

17. Attached as Exhibit 15 is a true and correct copy of the July 8, 2012 letter from Ocwen to plaintiff requesting additional documents in support of her modification application by July 23, 2012. Exhibit 15 is being filed under seal pursuant to the Confidentiality Order.

18. Attached as Exhibit 16 is a true and correct copy of the 90 day demand sent by Ocwen to plaintiff dated July 11, 2012, which was introduced and authenticated as Exhibit 64 during plaintiff's deposition. Exhibit 16 is being filed under seal pursuant to the Confidentiality Order.

19. Attached as Exhibit 17 is a true and correct copy of the first August 1, 2012 letter from Ocwen to plaintiff stating she is not eligible for a Home Affordable Modification and giving her 30 days to submit missing documents. Exhibit 17 is being filed under seal pursuant to the Confidentiality Order.

20. Attached as Exhibit 18 is a true and correct copy of the second August 1, 2012 letter from Ocwen to plaintiff stating she is not eligible for a modification under the Home Affordable Modification Program and giving her 30 days to submit missing documents. Exhibit 18 is being filed under seal pursuant to the Confidentiality Order.

21. Attached as Exhibit 19 is a true and correct copy of plaintiff's Amended Chapter 13 Bankruptcy Plan.

22. Attached as Exhibit 20 is a true and correct copy of an Ocwen Foreclosure Department, Foreclosure Process Training Manual, produced by Ocwen, containing a flowchart depicting the foreclosure process. Exhibit 20 is being filed under seal pursuant to the Confidentiality Order.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 30, 2017.

s/ Robert I. Harwood

Robert I. Harwood